

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: ER 619882079 US

Date of Deposit: November 25, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by


Signature

Present Application:

Applicants: Peter L. Collins, Brian R. Murphy, and Stephen S. Whitehead

Title: Production of Attenuated Chimeric Respiratory Syncytial Virus Vaccines From Cloned Nucleotide Sequences

Attorney Docket No.: 2303-18-14

Pending Prior Application:

Applicants: Peter L. Collins, Brian R. Murphy, and Stephen S. Whitehead

Serial No.: 09/291,894

Filing Date: April 13, 1999

Title: Production of Attenuated Chimeric Respiratory Syncytial Virus Vaccines From Cloned Nucleotide Sequences

Examiner/Unit: Zachariah Lucas/1648

Attorney Docket No.: 2303-18-3

REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

This is a request for filing a continuation X , continuation-in-part , or divisional application under 37 CFR 1.53(b) of pending prior application identified above.

1. X A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)

2. X A true copy of the prior application and declaration as originally filed is enclosed. (See Nos. 11 and 12 for drawing requirements.)
3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed		Number Extra		Basic Fee \$ 770.00
Total Claims	65	- 20 =	45	X \$18/\$9 =	\$ 810.00
Independent Claims	3	- 3 =	0	X \$86/\$43 =	\$ -0-
Multiple Dependent Claims	---	---	\$260/\$130=		-0-
Total Filing Fee					<u>\$1,580.00</u>

4. Applicant claims small entity status.
5. X Enclosed is Check No. 21312 for \$1,580.00 for the filing fee.
6. X Please charge any additional filing fee or credit any overpayment to Deposit Account 07-1897.
7. Enter the amendment previously filed on under 37 CFR 1.116 but unentered in the prior application.
8. A preliminary amendment canceling claims and adding new claims is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application and have been included in the calculation of the filing fee set forth above.)
9. Cancel in this application original Claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
10. X Amend the specification by inserting after the title the following sentence:
--This is a X continuation, continuation-in-part, divisional of the prior application Serial No. 09/291,894, filed April 13, 1999, the benefit of the filing date of which is hereby claimed under 35 USC 120, which is a continuation-in-part of U.S. Patent Application No. 08/892,403 filed July 15, 1997, which is a continuation-in-part of U.S. Provisional Application Nos. 60/047,634 filed May 23, 1997, 60/046,141 filed May 9, 1997, and 60/021,773 filed July 15, 1996, each of which is incorporated herein by reference.--

11. ☐ Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 12a. ☐ New formal drawings (☐ sheets) identical to those originally filed in the prior application are enclosed.
- 12b. ☒ Drawings (24 sheets) identical to those originally filed in the prior application are enclosed.
13. ☒ Priority of U.S. application Serial No. 09/291,894, filed on April 13, 1999, is claimed under 35 USC 120.
14. ☐ Priority of application Serial No. filed on , 19, in
 (country) is claimed under 35 USC 119.
15. ☒ The prior application is assigned to The Government of the United States of America, as represented by the Department of Health and Human Services., Reel 010250 Frame 0435.
16. ☐ The original power of attorney in prior application is to: , and all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
17. ☐ A second power of attorney in prior application is to: . The second power appears in the original papers in the prior application.
18. ☐ An associate power of attorney is enclosed.
19. ☐ Also enclosed: Information Disclosure Statement; cited references.

Please address all future correspondence to the undersigned at the below address.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

Dated: November 25, 2003



Jeffrey J. King
Registration No. 38,515
Attorney for Applicant
155 - 108th Avenue NE, Suite 350
Bellevue, WA 98004-5901
(425) 455-5575